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STATE OF DELAWARE  
**PUBLIC SERVICE COMMISSION**

861 SILVER LAKE BOULEVARD  
CANNON BUILDING, SUITE 100  
DOVER, DELAWARE 19904

TELEPHONE: (302) 739 - 4247  
FAX: (302) 739 - 4849

November 22, 2002

Marlene H. Dortch  
Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Ron Connors  
Director  
North American Numbering Plan Administrator  
NeuStar, Inc.  
46000 Center Oak Plaza  
Sterling, VA 20167

Re: Decision of the Public Service Commission  
of Delaware Not to Perform Functions  
Delegated to State Commission's Under  
47 C.F.R. §§ 52.15(f)(6)(ii)-(iii);  
52.15(g)(4); 52.15(i)(2); 52.15(i)(4)-(5),  
and 52.15(j)(2)-(3).  
CC Dckts. Nos. 99-200, 96-98, & 95-116

Dear Secretary Dortch and Director Connors:

This correspondence relates to Delaware's exercise of the decision-making responsibilities which the Federal Communications Commission, in its Numbering Resource Optimization proceedings, has delegated to state public utility commissions.

At its meeting on November 19, 2002, the Public Service Commission of the State of Delaware ("Del PSC") entered PSC Order No. 6064 (Nov. 19, 2002). In that Order, the Del PSC expressly declines to undertake the functions delegated to state commissions under 47 C.F.R. §§ 52.15(f)(6)(ii)-(iii); 52.15(g)(4); 52.15(i)(2), (4), & (5); and 52.15(j)(2)-(3). In so doing, the Del PSC understands that the power to grant "waivers" from the 6-month activation rule for central office codes (47 C.F.R. § 52.15(i)) will pass to NeuStar, Inc., as both the NANPA and National Pooling Administrator. See 47 C.F.R. § 52.15(i)(7). Similarly, as the Del PSC understands it, the

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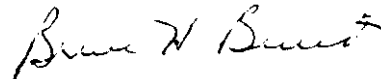
authority to decide Delaware carriers' "safety valve" requests (47 C.F.R. § 52.15(g)(4)) as well as non-sequential assignments (47 C.F.R. § 52.15(j)(2)) will pass to the FCC or the NANPA.

In Order No. 6064, the Del PSC outlined the reasons for its decision. They included: (1) its lack of resources to perform the delegated functions; (2) the uncertainties about whether it could render final decisions within the expected time frames; and (3) the potential problems in dealing with non-jurisdictional CMRS carriers in the context of numbering assignments.

However, in declining to exercise the above-described functions, the Del PSC does not forego the opportunity to access numbering resource data and carrier applications related to Delaware under the provisions of 47 C.F.R. §§ 52.15(f)(7) & 52.15(g)(5). The Del PSC believes it must maintain that ability in order to allow it to judge whether it should - at some later time - assume the delegated functions. Finally, by now declining those functions, the Del PSC reserves the right to later assume those functions if circumstances make such action appropriate.

A copy of Order No. 6064 can be found at the Del PSC's website at [www.state.de.us/delpsc](http://www.state.de.us/delpsc). If you wish, I can provide you a hard copy of the Order. If you have any questions, please contact Connie Welde ((302) 739-3227) or Gary A. Myers ((302) 739-2534).

Sincerely yours,



Bruce H. Burcat  
Executive Director

BHB/njs

cc: The Chair and Members of the Commission  
Karen J. Nickerson, Secretary (PSC Dckt. No. 02-392)

Diane L. Griffin  
Asst. Bureau Chief, WCB

Sanford Williams, Esquire  
Attorney, WCB

Mary Ogilvie  
Central Office Code Admins., NANPA

Brent Struthers  
NeuStar, Inc.

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

**Notice of Verizon Voluntary Payments Pursuant to Merger Condition  
CC Docket No. 98-184  
December 3, 2002**

In the *Bell Atlantic/GTE Merger Order* the Commission adopted a carrier-to-carrier performance plan that requires Verizon to make payments to the United States Treasury should it fail to meet certain performance standards.<sup>1</sup> Specifically, Verizon makes payments if its performance on a given measurement is below the relevant standard for three consecutive months or six of twelve months in a calendar year.<sup>2</sup>

Verizon has made the following payments:

<u>Month of Payment</u>	<u>Performance Months</u>	<u>Amount of Payment</u>
August 2001	April 2001 through June 2001	\$1,522,334
September 2001	May 2001 through July 2001	\$1,526,717
October 2001	June 2001 through August 2001	\$ 225,136 <sup>3</sup>
November 2001	July 2001 through September 2001	\$ 841,294
December 2001	August 2001 through October 2001	\$ 931,386 <sup>4</sup>
January 2002	September 2001 through November 2001	\$ 961,419 <sup>5</sup>
February 2002	October 2001 through December 2001	\$ 462,669 <sup>6</sup>
March 2002	November 2001 through January 2002	\$ 922,667 <sup>7</sup>

<sup>1</sup> Applications of GTE Corporation, Transferor, and Bell Atlantic Corporation, Transferee, For Consent to Transfer Control of Domestic and International Sections 214 and 310 Authorizations and Application to Transfer Control of a Submarine Cable Landing License, CC Docket No. 98-184, *Memorandum Opinion and Order*, 15 FCC Rcd 14032, Appendix D, Attachment A (2000) (*Bell Atlantic/GTE Merger Order*).

<sup>2</sup> *Id.*

<sup>3</sup> Verizon states that the \$225,136 payment represents “a payment of \$937,572 for the metrics missed during the performance months of June, July, and August 2001 adjusted for overpayments in August and September resulting from the use of a payment calculation methodology that was not precisely consistent with the methodology specified in the Merger Order, Appendix D, Attachment A.” Letter from Dee May, Assistant Vice President, Federal Regulatory, Verizon, to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 98-184 (filed Oct. 30, 2001).

<sup>4</sup> Verizon states that the \$931,386 represents a gross amount of \$938,235 less a true-up for a \$6,849 overpayment resulting from corrected April 2001 data. *See* Letter from Dee May, Assistant Vice President, Federal Regulatory, Verizon, to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 98-184 (filed Dec. 28, 2001).

<sup>5</sup> Verizon states that the \$961,419 includes a true-up for \$37,756 resulting from corrected May 2001 data. *See* Letter from Dee May, Assistant Vice President, Federal Regulatory, Verizon, to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 98-184 (filed Jan. 31, 2002).

<sup>6</sup> Verizon states that the \$462,669 represents a gross amount of \$427,875 plus a true-up for \$34,794 underpayment resulting from corrected June 2001 data. *See* Letter from Dee May, Assistant Vice President, Federal Regulatory, Verizon, to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 98-184 (filed Mar. 1, 2002).

<sup>7</sup> Verizon states that the \$922,667 represents a gross amount of \$760,299 increased by a true-up for \$162,368 underpayment resulting from the corrected June and July data and from “an adjustment to correct an inconsistency in the calculation of the state plan offset amount for the November performance month.”

April 2002	December 2001 through February 2002	\$ 844,818'
May 2002	January 2002 through March 2002	\$ 860,948 <sup>9</sup>
June 2002	February 2002 through April 2002	\$ 386,773 <sup>10</sup>
July 2002	March 2002 through May 2002	\$ 695,860"
August 2002	April 2002 through June 2002	\$ 651,302 <sup>12</sup>
September 2002	May 2002 through July 2002	\$ 881,658 <sup>13</sup>
October 2002	June 2002 through August 2002	\$ 429,455 <sup>14</sup>
November 2002	July 2002 through September 2002	\$ 232,519''

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*See* Letter from Dee May, Assistant Vice President, Federal Regulatory, Verizon, to William Caton, Acting Secretary, Federal Communications Commission, CC Docket No. 98-184 (filed Mar. 29,2002).

<sup>8</sup> Verizon states that the \$844,818 represents the **gross** amount of \$975,825 less a true-up of \$131,007 for overpayment resulting from corrected August 2001 data. *See* Letter from Dee May, Assistant Vice President, Federal Regulatory, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 98-184 (filed April 30,2002).

<sup>9</sup> Verizon states that the \$860,948 represents a **gross** payment of \$1,021,855, less a true-up of \$160,907 overpayment resulting from corrected September 2001 data. *See* Letter from Dee May, Assistant Vice President, Federal Regulatory, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 98-184 (filed May 31,2002).

<sup>10</sup> Verizon states that the 386,773 represents a **gross** payment of \$405,720, less a true-up of \$18,947 for overpayment resulting from corrected October 2001 data. *See* Letter from Ann D. Berkowitz, Project Manager, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 98-184 (filed July 2,2002).

<sup>11</sup> Verizon states that the \$695,860 represents a **gross** payment of \$691,301, plus a true-up for a \$4,559 underpayment resulting from corrected November 2001 data. *See* Letter from Clint Odom, Director, Federal Regulatory, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 98-184 (filed Jul. 30,2002).

<sup>12</sup> Verizon states that the \$651,302 represents a **gross** payment of \$665,404, less a true-up of \$14,102 for overpayment resulting from corrected December 2001 data. *See* Letter from Ann D. Berkowitz, Project Manager, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 98-184 (filed Aug. 30,2002).

<sup>13</sup> Verizon states that the \$811,658 represents a **gross** payment of \$662,744, plus a true-up of \$148,914 for underpayment resulting from corrected January 2002 data. *See* Letter from Ann D. Berkowitz, Project Manager, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 98-184 (filed Oct. 1,2002).

<sup>14</sup> Verizon states that the \$429,455 represents a **gross** payment of \$356,758, plus a true-up of \$72,697 for underpayment resulting from corrected February 2002 data. *See* Letter from Ann D. Berkowitz, Project Manager, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 98-184 (filed Oct. 31, 2002).

<sup>15</sup> Verizon states that the \$232,519 represents a **gross** payment of 238,149, less a true-up of \$5,630 for overpayment resulting from corrected March 2002 data. *See* Letter from Ann D. Berkowitz, Project Manager, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 98-184 (filed Dec. 2,2002).